

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
WHITE PLAINS DIVISION

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**HEARING DATE: October 27, 2016**  
**HEARING TIME: 10:00 A.M.**

CHAPTER 11

IN RE:

CASE NO. 13-22228-RDD

James Hall Campbell and  
Jean Marie Campbell,

Assigned to:  
Hon. Robert D. Drain  
Bankruptcy Judge

Debtors.

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**NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY  
PURSUANT TO BANKRUPTCY RULE 4001 AND 11 U.S.C. §362(d)  
FOR FAILURE TO MAKE POST-PETITION PAYMENTS**

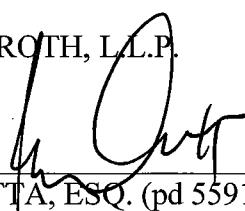
S I R S :

**PLEASE TAKE NOTICE**, that upon the affirmation of PRANALI DATTA, ESQ., an associate of Stein, Wiener & Roth, LLP, upon the documents and exhibits attached hereto, and upon all prior proceedings heretofore had herein, the undersigned will move this Court before the Hon. Robert D. Drain, Bankruptcy Judge, at the United States Bankruptcy Court located at 300 Quarropas Road, White Plains, NY 10601, on the 27<sup>th</sup> day of October, 2016 at 10:00 A.M. or as soon thereafter as counsel be heard, for an Order Removing the Stay pursuant to § 362 of the Bankruptcy Code, and upon the granting of said Order, a waiver of Rule 4001(a)(3), , and for such other and further relief as to the Court may seem just and proper with regard to the Debtors' property located at 81 Day Break Drive, Unit 103, Ludlow, VT 05149, in which premises Wells Fargo Bank, N.A., is the holder of a second mortgage.

**PLEASE TAKE FURTHER NOTICE** that answering and opposing papers, if any, must be served upon the Court and the undersigned no later than seven (7) days before the return date of this Motion.

Dated: Carle Place, New York  
August 30, 2016

STEIN, WIENER & ROTH, LLP.

  
\_\_\_\_\_  
BY: PRANALI DATTA, ESQ. (pd 5591)  
Attorneys for Wells Fargo Bank, N.A.  
Office & P.O. Address  
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Carle Place, New York 11514  
(516) 742-1212

TO: Linda M. Tirelli, Esq.  
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Debtors' Attorney  
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DelBello Donnellan Weingarten Wise  
& Wiederkehr, LLP  
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White Plains, NY 10601

James Hall Campbell  
Debtor  
81 Day Break Drive, Unit 103  
Ludlow, VT 05149

James Hall Campbell  
Debtor  
66 Knollwood Drive  
Larchmont, NY 10538

Jean Marie Campbell  
Debtor  
81 Day Break Drive, Unit 103  
Ludlow, VT 05149

Jean Marie Campbell  
Debtor  
66 Knollwood Drive  
Larchmont, NY 10538

Scott A. Sydelnik, Esq.  
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Rochester, NY 14614

United States Trustee  
Office of the United States Trustee  
U.S. Federal Office Building  
201 Varick Street, Room 1006  
New York, NY 10014

**CREDITOR MATRIX**  
**LIST ATTACHED**

Label Matrix for local noticing  
0208-7  
Case 13-22228-rdd  
Southern District of New York  
White Plains  
Tue Aug 30 11:56:45 EDT 2016

(p)NATIONSTAR MORTGAGE LLC  
PO BOX 619096  
DALLAS TX 75261-9096

DelBello Donnellan Weingarten Wise & Wiederk  
One North Lexington Avenue  
White Plains, NY 10601-1742

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

New York City Dept. Of Finance  
210 Joralemon Avenue  
Attn: Bankruptcy Section  
Brooklyn, NY 11201-3716

Parking Violations Bureau  
210 Joralemon Avenue  
Brooklyn, NY 11201-3745

Specialized Loan Servicing, LLC  
Bankruptcy Dept  
8742 Lucent Blvd Suite 300  
Highlands Ranch, CO 80129-2386

United States Attorney's Office  
Southern District of New York  
Attention: Tax & Bankruptcy Unit  
86 Chambers Street, Third Floor  
New York, NY 10007-1825

United States Trustee  
Office of the United States Trustee  
U.S. Federal Office Building  
201 Varick Street, Room 1006  
New York, NY 10014-9449

White Plains Division  
300 Quarropas Street  
White Plains, NY 10601-4140

AES/PHEAA  
1200 NORTH 7TH STREET  
HARRISBURG, PA 17102-1419

AES/PHEAA  
P.O.BOX 8183  
HARRISBURG, PA 17105-8183

(p)AMERICAN HONDA FINANCE  
P O BOX 168088  
IRVING TX 75016-8088

AMEX  
PO BOX 297871  
FORT LAUDERDALE, FL 33329-7871

American Express Centurion Bank  
c/o Becket and Lee LLP  
POB 3001  
Malvern PA 19355-0701

(p)BANK OF AMERICA  
PO BOX 982238  
EL PASO TX 79998-2238

BANK OF AMERICA, N.A.  
C/O DAVIDSON FINK LLP  
SCOTT A. SYDELMNIK, ESQ.  
28 EAST MAIN STREET, SUITE 1700  
ROCHESTER, NY 14614-1918

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125 S WEST ST  
WILMINGTON, DE 19801-5014

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DISCOVER FIN SVCS LLC  
PO BOX 15316  
WILMINGTON, DE 19850-5316

Discover Bank  
DB Servicing Corporation  
PO Box 3025  
New Albany, OH 43054-3025

FIA CARD SERVICES, N.A.  
4161 Piedmont Parkway  
NC4 105 03 14  
Greensboro, NC 27410

GE Capital Retail Bank  
c/o Recovery Management Systems Corp  
25 SE 2nd Ave Suite 1120  
Miami FL 33131-1605

GECRB/GAP  
PO BOX 965005  
ORLANDO, FL 32896-5005

(p) INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

N.Y. State Dept. Of Taxation And Finance  
Bankruptcy/Special Procedures Section  
P.O. Box 5300  
Albany, NY 12205-0300

Nationstar Mortgage LLC C/o  
Davidson Fink LLP  
28 East Main Street  
Rochester, NY 14614-1915

OAK HARBOR CAPITAL VII, LLC  
C O WEINSTEIN AND RILEY, PS  
2001 WESTERN AVENUE, STE 400  
SEATTLE, WA 98121-3132

Office of the Sheriff  
111 Grove Street  
White Plains, NY 10601-2509

PNC BANK, N.A.  
1 FINANCIAL PKWY  
KALAMAZOO, MI 49009-8002

PNC Bank  
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Cleveland, OH 44101-4982

Rushmore Loan Management Services  
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Irvine, CA 92619-2708

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U.S. Bank National, et. al. C/o  
Davidson Fink LLP  
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Rochester, NY 14614-1915

WELLS FARGO BANK NV NA  
PO BOX 31557  
BILLINGS, MT 59107-1557

WELLS FARGO BANK, N.A.  
c/o Fein, Such & Crane, LLP  
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Attn: Tammy Terrell Benoza, Esq.

(p)WELLS FARGO BANK NA  
WELLS FARGO HOME MORTGAGE AMERICAS SERVICING  
ATTN BANKRUPTCY DEPT MAC X7801-014  
3476 STATEVIEW BLVD  
FORT MILL SC 29715-7203

Wells Fargo Bank, N.A.  
1 Home Campus  
MAC X2303-01A  
Des Moines, IA 50328-0001

Wells Fargo Bank, N.A. Attention: Bankruptcy  
3476 Stateview Blvd.  
Fort Mill, SC 29715-7203

Westchester County Dept. Of Public Safety  
CIVIL BUREAU  
110 Grove Street, Room L217  
White Plains, NY 10601-2519

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White Plains, NY 10606-1930

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
WHITE PLAINS DIVISION

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CHAPTER 11

IN RE:

CASE NO. 13-22228-RDD

James Hall Campbell and  
Jean Marie Campbell,

AFFIRMATION IN SUPPORT OF  
MOTION FOR RELIEF FROM THE  
AUTOMATIC STAY

Debtors.

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PRANALI DATTA, the undersigned, an attorney duly licensed to practice law in the State of New York and admitted to practice before the courts in the SOUTHERN District of New York, affirms the following under the penalty of perjury:

1. That I am an associate of the firm of STEIN, WIENER & ROTH, L.L.P., the attorneys for Wells Fargo Bank, N.A., a Secured Creditor of the above referenced debtors and the movant (the "Movant") herein and I am fully familiar with the facts and circumstances of this case. I make this Affirmation in Support of Movant's Motion for an Order pursuant to 11 U.S.C. § 362(d) vacating the automatic stay imposed by virtue of 11 U.S.C. 362.
2. That the jurisdiction of this Court is invoked pursuant to 28 U.S.C. 157; 11 U.S.C. 362; and the Bankruptcy Amendments and Federal Judgeships Act of 1984.
3. Wells Fargo Bank, N.A. ("Movant") is a secured creditor of the above named Debtors by virtue of being the holder of a Home Equity Line of Credit Agreement (the "Debt Agreement") secured by a Mortgage, copies of which are annexed hereto and marked Exhibit A and B. Said mortgage is a second mortgage lien upon a house and lot commonly known as 81 Day Break Drive, Unit 103, Ludlow, VT 05149, which premises does not comprise the primary residence of the debtors.

4. Debtor(s) executed a Creditor's Home Equity Line of Credit Agreement (the "Debt Agreement") and agreed to be bound by its terms. The Debt Agreement is secured by a mortgage or deed of trust. Creditor is the original mortgagee/successor or beneficiary of the mortgage or deed of trust.

5. The Home Equity Line of Credit Agreement provides that debtors were to make the current monthly mortgage payments as they became due. However, Debtors have failed to make the current mortgage payments due commencing with the March 15, 2013 payment. As of August 23, 2016, there are due and owing forty-two (42) post-petition mortgage installments; \$765.08 for March 15, 2013; \$847.05 for April 15, 2013; \$819.72 for May 15, 2013; \$847.05 for June 15, 2013; \$819.73 for July 15, 2013; \$847.05 for August 15, 2013 and September 15, 2013 each; \$819.73 for October 15, 2013; \$847.05 for November 15, 2013; \$819.73 for December 15, 2013; \$1,701.66 for January 15, 2014 through August 15, 2016 each, for a total due of **\$62,732.36**.

6. The debtors have demonstrated an inability to make regular payments required of Chapter 11 debtors and, therefore, are no longer qualified to be Chapter 11 debtors.

7. As of August 23, 2016, there was an unpaid principal balance owed on the Debt Agreement and Mortgage in the sum of \$249,958.50, with interest thereon, resulting in a total amount owed to movant in the amount of \$307,537.85.

8. Based on the Broker's Price Opinion dated March 15, 2016, (Exhibit C), the real property is valued at \$327,000.00. That by virtue of the foregoing, the debtor has caused applicant to suffer prejudicial delay; the collateral is decreasing in value and adequate protection requires maintenance of the creditor's interest in the collateral through regular payments and the payment of taxes, and, therefore, pursuant to 11 U.S.C. §362(d), cause exists to vacate the automatic stay.

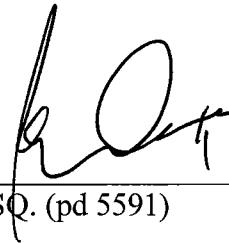
9. Upon information and belief, the only parties who are entitled to notice of these proceedings are the Debtors, the Debtors' attorney, the U.S. Trustee and the Chapter 13 Trustee.

WHEREFORE, it is respectfully requested that under all the facts and circumstances in this case, an order be made as follows:

(A) vacating the automatic stay imposed against the Secured Creditor, Wells Fargo Bank, N.A. by the Chapter 11 Bankruptcy filing of James Hall Campbell and Jean Marie Campbell with regard to the Secured Premises located at 81 Day Break Drive, Unit 103, Ludlow, VT 05149; and

(B) granting permission to Wells Fargo Bank, N.A. to enforce its security interest by proceeding with the foreclosure action against the 81 Day Break Drive, Unit 103, Ludlow, VT 05149.

Dated: Carle Place, New York  
August 30, 2016



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PRANALI DATTA, ESQ. (pd 5591)